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**Physician's and Surgeon's
Certificate No. A-25872**

IRA LUBELL, M.D.
Chair, Panel A
Division of Medical Quality

BILL LOCKYER, Attorney General
of the State of California
SANFORD FELDMAN,
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Case No. 18-96-67021
11-96-69437

DAVID KWANG YOUNG, M.D.
12732 Washington Boulevard, #C
Los Angeles, CA 90066

STIPULATION IN
SETTLEMENT
AND ORDER

Physician's and Surgeon's
Certificate No. A 25872

Respondent.

Complainant, Ron Joseph, Executive Director of the
Medical Board of California ("Board"), by and through his
attorney, Bill Lockyer, Attorney General of the State of
California, by Sanford Feldman, Deputy Attorney General, and
David Kwang Young, M.D. ("respondent"), by and through his
attorney, David A. Ogden, Esq., hereby stipulate as follows:

1. The Division of Medical Quality of the Board
("Division") acquired jurisdiction over respondent by reason of
the following:

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1 A. Respondent was duly served with a copy of the
2 Accusation, Statement to Respondent, Request for Discovery,
3 Form Notice of Defense and copies of Government Code
4 sections 11507.5, 11507.6 and 11507.7 as required by section
5 11503 and 11505, and respondent timely filed a Notice of
6 Defense within the time allowed by section 11506 of the
7 code.

8 B. Respondent has received and read the
9 Accusation which is presently on file as Case No. 18-96-
10 67021 before the Division. Respondent understands the
11 nature of the charges alleged in the Accusation and that the
12 charges and allegations constitute cause for imposing
13 discipline upon respondent's license to practice medicine
14 which was issued by the Board.

15 2. On March 3, 1998, Citation No. 11-96-69437 was
16 issued to and served upon respondent. Respondent notified the
17 Board that he contests the Citation.

18 3. Respondent and his counsel are aware of each of
19 respondent's rights with respect to the Accusation and Citation,
20 including the right to a hearing on the charges and allegations,
21 the right to confront and cross-examine witnesses who would
22 testify against respondent, the right to present evidence in his
23 favor and call witnesses on his behalf, or to testify, his right
24 to contest the charges and allegations, and other rights which
25 are accorded to respondent pursuant to the California
26 Administrative Procedure Act (Gov. Code, § 11500 et seq.),

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1 including the right to seek reconsideration, review by the
2 superior court, and appellate review.

3 4. Respondent freely and voluntarily waives each and
4 every one of the rights set forth in paragraph 2.

5 5. Respondent understands that in signing this
6 stipulation rather than contesting the Accusation and Citation,
7 he is enabling the Division to issue the following order without
8 further process.

9 6. For the purpose of resolving Accusation
10 No. 18-96-67021 and Citation No. 11-96-69437, respondent agrees
11 that, at a hearing, complainant could establish a factual basis
12 for the charges in the Accusation. Respondent hereby gives up
13 his right to contest that cause for discipline exists based on
14 those charges and agrees to be bound by the Division's
15 disciplinary order as set forth below.

16 7. It is understood by respondent that, in deciding
17 whether to adopt this stipulation, the Division may receive oral
18 and written communications from its staff and the Attorney
19 General's office. Communications pursuant to this paragraph
20 shall not disqualify the Division or other persons from future
21 participation in this or any other matter affecting respondent.
22 In the event this settlement is not adopted by the Division, the
23 stipulation will not become effective and may not be used for any
24 purpose, except for this paragraph, which shall remain in effect.

25 8. Based upon the foregoing, it is stipulated and
26 agreed that the Division may issue the following as its decision
27 in this case.

9. This Stipulation in Settlement and Decision is intended by the parties herein to be an integrated writing representing the complete, final and exclusive embodiment of the agreements of the parties with respect to Accusation No. 18-96-67021 and Citation No. 11-96-69437.

10. The parties agree that facsimile copies of this Stipulation, including facsimile signatures of the parties, may be used in lieu of original documents and signatures. The facsimile copies will have the same force and effect as originals.

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 25872 issued to David Kwang Young, M.D., is revoked. However, revocation of respondent's Physician's and Surgeon's Certificate No. A 25872 is stayed and respondent is placed on probation for five (5) years on the terms and conditions set forth below. Within 15 days after the effective date of this decision, respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

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1 1. **EDUCATION COURSE**

2 Within 90 days from the effective date of this
3 decision, and on an annual basis thereafter, respondent shall
4 submit to the Division or its designee for its prior approval an
5 educational program or course to be designated by the Division,
6 which shall not be less than 40 hours per year for each year of
7 probation. This program shall be in addition to the Continuing
8 Medical Education requirements for re-licensure. Following the
9 completion of each course, the Division or its designee may
10 administer an examination to test respondent's knowledge of the
11 course. Respondent shall provide proof of attendance for 65
12 hours of continuing medical education of which 40 hours were in
13 satisfaction of this condition and were approved in advance by
14 the Division or its designee.

15 2. **COMMUNITY SERVICE**

16 Within sixty (60) days of the effective date of this
17 decision, respondent shall submit to the Division or its designee
18 for its prior approval a community service program in which
19 respondent shall provide free medical or non-medical services on
20 a regular basis to a non-profit community or charitable facility
21 or agency for at least 200 hours per year for each year of the
22 first three years of probation.

23 3. **ETHICS COURSE**

24 Within 60 days of the effective date of this decision,
25 respondent shall enroll in a course in Ethics approved in advance
26 by the Division or its designee, and shall successfully complete
27 the course during the first year of probation.

1 4. **MONITORING**

2 Within 30 days of the effective date of this decision,
3 respondent shall submit to the Division or its designee for its
4 prior approval a plan of practice by which respondent's billing
5 shall be monitored throughout the period of probation by another
6 physician in respondent's field of practice, who shall provide
7 periodic reports to the Division or its designee.

8 If the monitor resigns or is no longer available,
9 respondent shall, within 15 days, move to have a new monitor
10 appointed, through nomination by respondent and approval by the
11 Division or its designee.

12 This provision shall not apply during any period when
13 both of the following are occurring at the same time: 1)
14 respondent is employed by another physician and respondent's
15 compensation is unrelated to respondent's productivity and/or
16 income generated; and, 2) respondent has no role or
17 responsibility for billing or supervision of the person doing the
18 billing.

19 5. **ABATEMENT - CEASE AND DESIST**

20 Respondent shall comply with the order of abatement in
21 Citation No. 11-96-69437 and cease and desist from aiding and
22 abetting the unlicensed practice of medicine.

23 6. **PAYMENT OF FINE**

24 Within 30 days of the effective date of this order,
25 respondent shall pay the fine of \$1,000.00 set forth in Citation
26 No. 11-96-69437.

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1 7. **OBEY ALL LAWS**

2 Respondent shall obey all federal, state and local
3 laws, all rules governing the practice of medicine in California,
4 and remain in full compliance with any court ordered criminal
5 probation, payments and other orders.

6 8. **QUARTERLY REPORTS**

7 Respondent shall submit quarterly declarations under
8 penalty of perjury on forms provided by the Division, stating
9 whether there has been compliance with all the conditions of
10 probation.

11 9. **PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

12 Respondent shall comply with the Division's probation
13 surveillance program. Respondent shall, at all times, keep the
14 Division informed of his or her addresses of business and
15 residence which shall both serve as addresses of record. Changes
16 of such addresses shall be immediately communicated in writing to
17 the Division. Under no circumstances shall a post office box
18 serve as an address of record.

19 Respondent shall also immediately inform the Division,
20 in writing, of any travel to any areas outside the jurisdiction
21 of California which lasts, or is contemplated to last, more than
22 30 days.

23 10. **INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**
24 **DESIGNATED PHYSICIAN(S)**

25 Respondent shall appear in person for interviews with
26 the Division, its designee or its designated physician(s) upon
27 request at various intervals and with reasonable notice.

1 11. **TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
2 **IN-STATE NON-PRACTICE**

3 In the event respondent should leave California to
4 reside or to practice outside the State or for any reason should
5 respondent stop practicing medicine in California, respondent
6 shall notify the Division or its designee in writing within ten
7 days of the dates of departure and return or the dates of non-
8 practice within California. Non-practice is defined as any
9 period of time exceeding 30 days in which respondent is not
10 engaging in any activities defined in Sections 2051 and 2052 of
11 the Business and Professions Code. All time spent in an
12 intensive training program approved by the Division or its
13 designee shall be considered as time spent in the practice of
14 medicine. Periods of temporary or permanent residence or
15 practice outside California or of non-practice within California,
16 as defined in this condition, will not apply to the reduction of
17 the probationary period.

18 12. **COMPLETION OF PROBATION**

19 Upon successful completion of probation, respondent's
20 certificate shall be fully restored.

21 13. **VIOLATION OF PROBATION**

22 If respondent violates probation in any respect, the
23 Division, after giving respondent notice and the opportunity to
24 be heard, may revoke probation and carry out the disciplinary
25 order that was stayed. If an accusation or petition to revoke
26 probation is filed against respondent during probation, the
27 Division shall have continuing jurisdiction until the matter is

1 final, and the period of probation shall be extended until the
2 matter is final.

3 **14. COST RECOVERY**

4 Within one year of the effective date of this order,
5 respondent shall pay the Division the amount of \$14,576.00 for
6 its investigation and prosecution costs. Said amount shall be
7 paid in four equal installments of \$3,644.00, with the first
8 installment due 90 days after the effective date of this order.
9 Failure to reimburse the Division's cost of its investigation and
10 prosecution shall constitute a violation of the probation order,
11 unless the Division agrees in writing to payment by an
12 installment plan because of financial hardship. The filing of
13 bankruptcy by the respondent shall not relieve the respondent of
14 his/her responsibility to reimburse the Division for its
15 investigative and prosecution costs.

16 **15. PROBATION MONITORING COSTS**

17 Respondent shall pay the costs associated with
18 probation monitoring each and every year of probation. Such
19 costs shall be payable to the Division at the beginning of each
20 calendar year. Failure to pay such costs shall constitute a
21 violation of probation.

22 **16. LICENSE SURRENDER**

23 Following the effective date of this decision, if
24 respondent ceases practicing due to retirement, health reasons or
25 is otherwise unable to satisfy the terms and conditions of
26 probation, respondent may voluntarily tender his/her certificate
27 to the Division. The Division reserves the right to evaluate the

1 respondent's request and to exercise its discretion whether to
2 grant the request, or to take any other action deemed appropriate
3 and reasonable under the circumstances. Upon formal acceptance
4 of the tendered license, respondent will no longer be subject to
5 terms and conditions of probation.

6 **ACCEPTANCE**

7 I have carefully read and fully understand the
8 stipulation and order set forth above. I have discussed the
9 terms and conditions set forth in the stipulation and order with
10 my attorney, David A. Ogden, Esq. I understand that in signing
11 this stipulation I am waiving my right to a hearing on the
12 charges set forth in the Accusation on file in this matter. I
13 further understand that in signing this stipulation the Division
14 may enter the foregoing order placing certain requirements,

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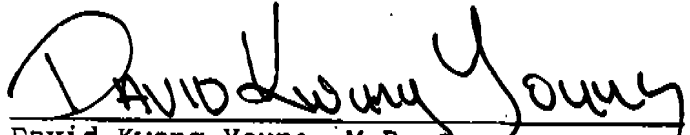
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1 restrictions and limitations on my right to practice medicine in
2 the State of California.

3 DATED: 12/8/99

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7 David Kwang Young, M.D.
8 Respondent
9

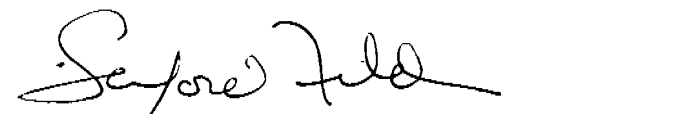
10 We concur in the stipulation and order.

11 DATED: 12/8/99

12
13 
14 David A. Ogden, Esq.
15 Attorney for Respondent
16

17 DATED: 12/14/99

18 BILL LOCKYER, Attorney General
19 of the State of California
20

21 
22 Sanford Feldman
23 Deputy Attorney General
24 Attorneys for Complainant
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6 Attorneys for Complainant
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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *January 26* 19 *99*
BY *[Signature]* ANALYST

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BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation) Case No. 18-96-67021
Against:)

DAVID KWANG YOUNG, M.D.)

3436 Algnnet Drive)
Encino, CA 91316)

Physician's and Surgeon's)
Certificate No. A 25872,)

Respondent.)

ACCUSATION

Complainant Ron Joseph, as cause for disciplinary
action alleges as follows:

PARTIES

1. Complainant, Ron Joseph, is the Executive Director
of the Medical Board of California (hereinafter the "Board") and
brings this Accusation solely in his official capacity.

2. On or about March 13, 1974, Physician's and
Surgeon's Certificate No. A 25872 was issued by the Board to
David Kwang Young, M.D. (hereinafter "respondent"), and at all
times relevant to the charges brought herein, this license has

1 been in full force and effect. Unless renewed, it will expire on
2 June 30, 2000.

3 **JURISDICTION**

4 3. This Accusation is brought before the Division of
5 Medical Quality of the Board (hereinafter the "Division"), under
6 the authority of the following sections of the California
7 Business and Professions Code (hereinafter "Code"):

8 A. Section 2227 provides that the Division may
9 revoke, suspend for a period not to exceed one year, or
10 place on probation and order the payment of probation
11 monitoring costs, the license of any licensee who has been
12 found guilty under the Medical Practice Act.

13 B. Code section 2234 provides that
14 unprofessional conduct includes, but is not limited to, the
15 following:

16 ". . . .

17 "(e) The commission of any act involving
18 dishonesty or corruption which is substantially related
19 to the qualifications, functions, or duties of a
20 physician and surgeon.

21 ". . . ."

22 C. Code section 2261 provides that knowingly
23 making or signing any certificate or other document directly
24 or indirectly related to the practice of medicine or
25 podiatry which falsely represents the existence or
26 nonexistence of a state of facts, constitutes unprofessional
27 conduct.

1 D. Section 810(a) of the Code provides that it
2 shall constitute unprofessional conduct and grounds for
3 disciplinary action, including suspension or revocation of a
4 license or certificate, for a health care professional to do
5 any of the following in connection with his or her
6 professional activities:

7 (a) Knowingly present or cause to be presented
8 any false or fraudulent claim for the payment of a loss
9 under a contract of insurance.

10 (b) Knowingly prepare, make, or subscribe any
11 writing, with intent to present or use the same, or
12 allow it to be presented or used in support of any
13 false or fraudulent claim.

14 E. Section 2266 of the Code provides that the
15 failure of a physician and surgeon to maintain adequate and
16 accurate records relating to the provision of services to
17 their patients constitutes unprofessional conduct.

18 F. Section 125.3 of the Code provides, in part,
19 that the Board may request the administrative law judge to
20 direct any licentiate found to have committed a violation or
21 violations of the licensing act, to pay to the Board a sum
22 not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 4. Section 14124.12 of the Welfare and Institutions
25 Code provides, in pertinent part, that: "Upon receipt of written
26 notice from the Medical Board of California, the Osteopathic
27 Medical Board of California, or the Board of Dental Examiners of

1 California, that a licensee's license has been placed on
2 probation as a result of a disciplinary action, the department
3 [of Health Services] may not reimburse any Medi-Cal claim for the
4 type of surgical service or invasive procedure that gave rise to
5 the probation including any dental surgery or invasive procedure,
6 that was performed by the licensee on or after the effective date
7 of probation and until the termination of all probationary terms
8 and conditions or until the probationary period has ended,
9 whichever occurs first. This section shall apply except in any
10 case in which the relevant licensing board determines that
11 compelling circumstances warrant the continued reimbursement
12 during the probationary period of any Medi-Cal claim, including
13 any claim for dental services, as so described. In such a case,
14 the department shall continue to reimburse the licensee for all
15 procedures, except for those invasive or surgical procedures for
16 which the licensee was placed on probation.

17 **FIRST CAUSE FOR DISCIPLINE**

18 (Dishonest and Corrupt Acts)

19 5. Respondent David Kwang Young, M.D., is subject to
20 disciplinary action on account of the following:

21 A. In or about 1994 and 1995, respondent
22 maintained the Culver City Medical Clinic on Washington
23 Boulevard in Culver City, as well as offices in Sylmar and
24 in Corbin Hills. At the Culver City Medical Clinic,
25 respondent employed clerical staff, an acupuncturist named
26 Gary H. and a practitioner of Chi-gong, or Qi-Gong named
27 Master Hong L. Neither Gary H. nor Master Hong L. were

1 licensed to practice medicine at any time in 1994 and/or
2 1995. Master Hong L. did not speak English and needed an
3 interpreter to communicate with English-speaking patients.
4 Patients were "treated" by Master Hong L., however, the
5 services provided were billed in respondent's name to
6 Medicare using codes which indicated the services had been
7 provided by, at the direction of, or under appropriate
8 supervision of a medical doctor.

9 B. The bills were prepared and submitted in such
10 a manner as to conceal the facts: that treatment consisted
11 of acupuncture and/or other alternative treatment
12 modalities, was administered by a person who was not a
13 medical doctor, and that little if any treatment or other
14 patient management functions were performed by respondent.
15 Respondent submitted these bills (which contained false
16 representations and concealed material facts) for the
17 purpose of obtaining more compensation than he would have
18 received had the bills truly and accurately reflected the
19 treatment given, the identity and licensure status of the
20 person performing the treatment, and the true extent of
21 respondent's involvement in the care of patients.

22 C. Respondent also submitted bills for dates for
23 which there are no medical records whatsoever. As to those
24 dates, respondent falsely billed to obtain compensation for
25 services which were not performed by anyone at his office,
26 according to respondent's own records.

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1 Patient Samuel G.

2 D. Samuel G. went to the Culver City Medical
3 Clinic on about four occasions in 1994. Although Medicare
4 was billed for five visits (November 16, 23, and 30;
5 December 7 and 21, 1994), the chart contains records of only
6 two visits in 1994.

7 E. Samuel G. was examined by respondent during
8 the first visit. Thereafter, respondent examined Samuel G.
9 when the patient had a cold or other minor complaint, but
10 otherwise, treatment (acupressure and herbal therapy) was
11 provided by Master Hong L. Samuel G. never allowed
12 injections to be administered because Samuel G. was afraid
13 of the shots. However, respondent billed Medicare for
14 injections. Billings for all treatments provided to Samuel
15 G. in respondent's office in 1994 were made using codes
16 which indicated that services provided were performed by or
17 ordered by a medical doctor. No billings for acupuncture or
18 any treatment by an acupuncturist were submitted to Medicare
19 for Samuel G. The total amount billed was about \$545.00.

20 F. During 1995, Samuel G. continued to visit
21 respondent's office for treatment by Master Hong L. The
22 scant medical records show about 15 visits. However,
23 Medicare was billed for medical services purportedly
24 provided to Samuel G. by respondent on twenty-two (22)
25 dates. Billing codes for all services for which respondent
26 billed indicated services had been performed by or at the
27 direction of a physician. No billings for acupuncture or

1 any treatment by an acupuncturist were submitted to Medicare
2 for Samuel G. The total amount billed was about \$3,560.00.

3 Patient Virginia F.

4 G. Virginia F. went to see respondent for
5 treatment of constant pain she was suffering after back
6 surgery. She went to respondent's office on about six
7 occasions in 1995 and may have seen respondent once.
8 Respondent provided no treatment to Virginia F; she was
9 treated by Master Hong L. She had a number of acupuncture
10 treatments and some pain injections. She stopped going to
11 see Master Hong L. because the acupuncture did not seem to
12 be effective once the pain injections wore off.

13 H. Respondent billed for six visits in 1995.
14 Chart entries only exist for two dates of service.
15 Billing codes for all services for which respondent billed
16 indicated services had been performed by or at the direction
17 of a physician. No billings for acupuncture or any
18 treatment by an acupuncturist were submitted to Medicare for
19 Virginia F. The total amount billed was about \$1503.00.

20 Patient Bernard B.

21 I. Bernard B., a physician, visited respondent's
22 office (by Dr. B.'s recollection) on eleven (11) occasions
23 in late 1994 through the middle of 1995. Bernard B. never
24 saw respondent when Bernard B. went to respondent's office;
25 no examination, diagnosis, or treatment was provided by
26 respondent to Bernard B. On one occasion, respondent
27 weighed Bernard B., and on another occasion respondent might

1 have been present during an office visit. At some time
2 during each visit, Bernard B. signed papers for billing
3 purposes.

4 J. Each of Bernard B.'s visits to respondent's
5 office lasted twenty or thirty minutes. Bernard B. was
6 weighed at the beginning of each visit, then saw Master Hong
7 L. for treatment.

8 K. Respondent submitted bills to Medicare for
9 care he provided to Bernard B. on fourteen dates of
10 purported treatment. The bills totaled about \$2,749.00.
11 Respondent's medical records for Bernard B. noted a total of
12 about ten visits. Billing codes for all services for which
13 respondent billed indicated services had been performed by
14 or at the direction of a physician. No billings for
15 acupuncture or any treatment by an acupuncturist were
16 submitted to Medicare for Bernard B.

17 6. Respondent David Kwang Young, M.D., is subject to
18 disciplinary action for unprofessional conduct in that he has
19 committed acts involving dishonesty or corruption which are
20 substantially related to the qualifications, functions, or duties
21 of a physician and surgeon, in violation of 2234(e), in that:

22 A. Paragraph 5 above is hereby realleged and
23 incorporated by reference as if fully set forth at this
24 point.

25 B. Respondent submitted bills to Medicare for
26 patients Samuel G., Virginia F., and Bernard B. which
27 falsely represented that the services billed for had been

1 provided by or at the direction of a physician.

2 C. Respondent billed for services not actually
3 rendered to patients Samuel G., Virginia F., and Bernard B.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (False Statements)

6 7. Respondent Gary Kwang Young, M.D., is subject to
7 disciplinary action for unprofessional conduct in that he
8 knowingly made or signed a certificate or other document directly
9 or indirectly related to the practice of medicine or podiatry
10 which falsely represented the existence or nonexistence of a
11 state of facts, in violation of Code section 2261, in that:

12 A. Paragraph 5 is hereby realleged and
13 incorporated by reference as if fully set forth at this
14 point.

15 B. Respondent submitted bills to Medicare for
16 patients Samuel G., Virginia F., and Bernard B. which
17 falsely represented that the services billed for had been
18 provided by or at the direction of a physician. Each of
19 the following bills constitutes a separate violation of Code
20 section 2261:

21 **Patient Samuel G.**

- 22 1. November 16, 1994
23 2. November 23, 1994
24 3. November 30, 1994
25 4. December 7, 1994
26 5. December 21, 1994
27 6. January 11, 1995

1	7.	January 18, 1995
2	8.	January 25, 1995
3	9.	February 1, 1995
4	10.	February 8, 1995
5	11.	February 15, 1995
6	12.	February 22, 1995
7	13.	March 1, 1995
8	14.	March 8, 1995
9	15.	March 15, 1995
10	16.	March 29, 1995
11	16.	May 24, 1995
12	17.	May 31, 1995
13	18.	June 14, 1995
14	19.	June 21, 1995
15	20.	June 28, 1995
16	21.	July 5, 1995
17	22.	July 19, 1995
18	23.	October 11, 1995
19	24.	October 18, 1995
20	26.	October 25, 1995
21	26.	November 8, 1995
22	<u>Patient Virginia F.</u>	
23	27.	March 29, 1995
24	28.	March 31, 1995
25	29.	April 3, 1995
26	30.	April 7, 1995
27	///	

- 1 31. April 10, 1995
2 32. April 14, 1995
3 Patient Bernard B.
4 33. March 29, 1995
5 34. April 5, 1995
6 35. April 12, 1995
7 36. May 24, 1995

8 C. Respondent billed for services not actually
9 rendered to patients Samuel G., Virginia F., and Bernard B.
10 Each of said billings constitutes a separate violation of
11 Code section 2261.

- 12 Patient Samuel G.
13 1. November 23, 1994
14 2. December 7, 1994
15 3. December 21, 1994
16 4. January 11, 1995
17 5. January 25, 1995
18 6. February 1, 1995
19 7. February 8, 1995
20 8. February 15, 1995
21 9. May 31, 1995
22 10. June 14, 1995
23 11. June 28, 1995

- 24 Patient Virginia F.
25 12. March 31, 1995
26 13. April 3, 1995
27 14. April 10, 1995

15. April 14, 1995

Patient Bernard B.

16. September 26, 1994

17. September 28, 1994

18. September 30, 1994

19. April 12, 1995

THIRD CAUSE FOR DISCIPLINE

(Insurance Fraud)

8. Respondent Gary Kwang Young, M.D., is subject to disciplinary action for unprofessional conduct in that he knowingly presented or caused to be presented a false or fraudulent insurance claim, and/or knowingly prepared, made or subscribed a writing, with intent to present or use the same, or allow it to be presented or used in support of false or fraudulent claims, in violation of Code section 810, in that:

A. Paragraph 5 is hereby realleged and incorporated by reference as if fully set forth at this point.

B. Respondent submitted bills to Medicare for patients Samuel G., Virginia F., and Bernard B. which falsely represented that the services billed for had been provided by or at the direction of a physician. Each of the following bills constitutes a separate violation of Code section 810:

Patient Samuel G.

1. November 16, 1994

2. November 23, 1994

1	3.	November 30, 1994
2	4.	December 7, 1994
3	5.	December 21, 1994
4	6.	January 11, 1995
5	7.	January 18, 1995
6	8.	January 25, 1995
7	9.	February 1, 1995
8	10.	February 8, 1995
9	11.	February 15, 1995
10	12.	February 22, 1995
11	13.	March 1, 1995
12	14.	March 8, 1995
13	15.	March 15, 1995
14	16.	March 29, 1995
15	16.	May 24, 1995
16	17.	May 31, 1995
17	18.	June 14, 1995
18	19.	June 21, 1995
19	20.	June 28, 1995
20	21.	July 5, 1995
21	22.	July 19, 1995
22	23.	October 11, 1995
23	24.	October 18, 1995
24	26.	October 25, 1995
25	26.	November 8, 1995
26	<u>Patient Virginia F.</u>	
27	27.	March 29, 1995

1 28. March 31, 1995

2 29. April 3, 1995

3 30. April 7, 1995

4 31. April 10, 1995

5 32. April 14, 1995

6 Patient Bernard B.

7 33. March 29, 1995

8 34. April 5, 1995

9 35. April 12, 1995

10 36. May 24, 1995

11 C. Respondent billed for services not actually
12 rendered to patients Samuel G., Virginia F., and Bernard B.
13 As to each patient, respondent submitted bills for dates for
14 which there are no medical records whatsoever. As to those
15 dates, respondent falsely billed to obtain compensation for
16 services which were not performed, according to respondent's
17 patient medical records. Each of said billings constitutes
18 a separate violation of Code section 810.

19 Patient Samuel G.

20 1. November 23, 1994

21 2. December 7, 1994

22 3. December 21, 1994

23 4. January 11, 1995

24 5. January 25, 1995

25 6. February 1, 1995

26 7. February 8, 1995

27 8. February 15, 1995

1 9. May 31, 1995

2 10. June 14, 1995

3 11. June 28, 1995

4 Patient Virginia F.

5 12. March 31, 1995

6 13. April 3, 1995

7 14. April 10, 1995

8 15. April 14, 1995

9 Patient Bernard B.

10 16. September 26, 1994

11 17. September 28, 1994

12 18. September 30, 1994

13 19. April 12, 1995

14 **FOURTH CAUSE FOR DISCIPLINE**

15 (Inadequate/Incomplete Medical Records)

16 9. Respondent Gary Kwang Young, M.D., is subject to
17 disciplinary action for unprofessional conduct in that he failed
18 to maintain adequate and accurate records relating to the
19 provision of services to his patients, in violation of Code
20 section 2266, in that:

21 A. Paragraph 5 is hereby realleged and
22 incorporated by reference as if fully set forth at this
23 point.

24 B. Respondent failed to maintain adequate and
25 accurate records for patient Samuel G.

26 C. Respondent failed to maintain adequate and
27 accurate records for patient Virginia F.

1 D. Respondent failed to maintain adequate and
2 accurate records for patient Bernard B.

3 **PRAYER**

4 **WHEREFORE**, complainant requests that a hearing be held
5 on the matters herein alleged, and that following the hearing,
6 the Division issue a decision:


7 1. Revoking or suspending Physician's and Surgeon's
8 Certificate No. A 25872, heretofore issued to respondent David
9 Kwang Young, M.D.;

10 2. Ordering respondent to pay to the Board the actual
11 and reasonable costs of the investigation and enforcement of this
12 case;

13 3. If placed on probation, ordering respondent to pay
14 the costs of probation monitoring; and,

15 4. Taking such other and further action as the Board
16 deems necessary and proper.

17 DATED: January 26, 1999 .

18
19
20 
21 Ron Joseph Douglas Lane Deputy Director
22 Executive Director
23 Medical Board of California
24 Department of Consumer Affairs
25 State of California

26 Complainant
27